



jminadeo <jminadeo@aitechnology.com> on 02/01/2002 06:07:14 PM

To: vss@FEC
cc:

Subject: Comments

Dear FEC,

Attached is our comments.

Thanks,
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- att1.htm



- FEC-additions-comments.doc

We had this comment during the last comment session and we still see the section unchanged. Is there some reason for this to not be changed? Please reply to let us know why this section is still intact or if this section applies to a paper receipt audit trail report.

2.5.8 Broadcasting Results:

Some voting systems offer a capability to make interim, unofficial results available to external organizations, such as news media, political party officials, and others in the form of paper reports or electronic reports or data files. Although this capability is not required, systems that make unofficial results available shall:

- a. Provided only aggregate results, and not data for individual ballots;*
- b. Provide no access path from unofficial electronic reports or data files to the storage devices for official data; and*
- c. Provide prominent labeling of all reports and data files indicating they contain unofficial election results.*

Implications from this section of manual:

- As is worded in 2.5.8a, this is inconsistent with a voter receipt.
- In addition, in 2.5.8b, it is also against any voter receipts with reference number so that the voter holding a receipt with the reference number can check whether their vote is counted.

Our objection and opinion:

1. We do not believe this guideline is appropriate for this manual of Voting System Standards.
2. As we understand from the mandate provided by U.S. Congress, the federal election commission is to develop "*voluntary engineering and procedural performance standards for voting systems used in the United States.*" (P. L. 96-187).
3. In addition, according to the 1990 FEC standard (Page xvii), "*The standards specify general performance criteria, as well as detailed test criteria. Essentially, they address what a voting system should reliably do, not how the system should meet the requirement. It is not the intent of the standards to impede the design and development of new, innovative equipment by vendors. Furthermore, the standards ought not force vendors to price their*

voting systems out of the range of local jurisdictions."

4. This particular section (2.5.8) is written and may be read like a "FEDERAL LAW".
5. If it is meant to be a federal or state law or guideline to be followed, should it be handled like a law that does not need to be mentioned in an "engineering and procedural performance standards". May be it should be left implicit that systems should not violate or aid in violating the laws?
6. Avante International Technology, Inc. has developed a new method and system, VOTE-TRAKKER™ that address one of the most asked question of voting systems and processes: "Is my vote counted and counted correctly?" during the November/2000 general election. This is achieved by providing a voter with a voter receipt bearing a randomly generated reference number. The randomly generated reference number is made to provide a tracking mechanism for the voter to check their vote against what are being tallied after the election and yet maintaining absolute vote privacy. **For the first time in modern voting history, voters can actually know if their votes are counted. If allowed by the jurisdiction, voters can actually know if their votes are counted correctly or not. We believe this is the voter's right. Moreover, this process and method assures that the democratic process is properly executed.**
7. The jurisdictions may elect to use this voter receipt in the following ways:
 - The receipt includes how the voter voted along with an optional randomly generated reference number. After the voter has a chance to review and confirm the correctness through a viewing window, VOTE-TRAKKER™ is programmed to retrieve the receipts. These retrieved voter receipts will serve as paper audit trail. This randomly generated number can be used for some jurisdiction's wish to be able to void the vote cast in DRE at the request of the voter when proper management procedures are incorporated. In fact, we have been asked by jurisdictions to see if we can help them with these types of potential problems for their older voters.
 - The receipt includes whether the voter voted on any particular contests and issues but not how the voter voted along with the randomly generated reference number. The receipt is given to the voter for his or her record. If subsequent challenge is made, voters will have the chance to see if their votes are counted.

- The receipt includes how the voter voted along with the randomly generated reference number. The receipt is given to the voter for his or her record. If the jurisdiction chooses to allow the voter to review their vote after the election in some secured locations, the voter will be able to tell if his or her votes are counted and counted correctly. If any error is made, voter will have a proof for such errors.
8. While the voter receipt is not meant to be designed for "external organizations such as the news media, political party officials", it may be construed to be used by "and others". In this case, while not mentioning it specifically, these "others" may mean the voters themselves.
 9. While individual voter receipts are not "interim, unofficial results", they may be read to mean the same as is written in the proposed additions to the standards. This rule also tends to ***"impede the design and development of new, innovative equipment by vendors"*** that the FEC vows not to do. Now any voter that believe they made an inadvertent mistake in the voting process can no longer has the possibility to correct them after they mistakenly cast their vote.
 10. We will not raise the objection if the guidelines are made more specific such as:
 - Although this capability is not required, systems that make unofficial results available, **other than individual voter private receipt**, shall:
 - Some voting systems offer a capability to make interim, unofficial results available to external organizations, such as news media, political party officials, and others in the form of paper reports or electronic reports or data files. **The interim, unofficial results are hereby defined as any form of tabulation of more than single individual vote.**
 11. We believe guidelines of non-engineering and procedural matters that has no bearing of accuracy and correctness to the laws should be left to the federal law and state laws if they so choose to make such rules and regulations.
 12. We believe incorporation of "law-like" guidelines when there is no federal law existed is inappropriate for the FEC. It invites legal challenges from groups that may feel strongly about their rights to vote and know if their votes are counted or not. The credibility of FEC will be enhanced if we focus on technical, engineering, and procedural matters to assure the integrity of voting systems.

Sincerely,

Kevin Chung, Ph.D.

CEO, Avante International Technology, Inc.